



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
980 Ninth Street, Suite 400
Sacramento, CA. 95814-2724
July 31, 2002

IN REPLY REFER TO
HDA-CA
File #: 1040.2
Document #: 39518

Mr. Jeff Morales, Director
California Department of Transportation
1120 N Street
Sacramento, California 95814

Attention: Federal Resources Branch, Room 3500
For Kris Balaji, Transportation Programming

Dear Mr. Morales:

SUBJECT: SJCOG FY 2000/01-2002/03 FTIP/FSTIP Amendment Nos. 16 and 17

We have completed our review of Amendment Nos. 16 and 17 to the San Joaquin Council of Governments' (SJCOG) 2000/01-2002/03 Federal Transportation Improvement Program (FTIP) that were submitted by your letter dated June 20, 2002. These amendments propose modifications to the 2000/01-2002/03 Federal Statewide Transportation Improvement Program (FSTIP) project listings for the local and state highway program elements in San Joaquin County. The SJCOG Board of Directors adopted Resolution R-02-39 on May 23, 2002, and Resolution R-02-13 on December 6, 2001, approving a number of modifications to both the 2000/01-2002/03 FTIP and 2002/03-2004/05 FTIP and reaffirming the conformity of the SJCOG 2000/01-2002/03 FTIP with the applicable State Implementation Plan (SIP) for air quality.

We find that the subject amendments to the SJCOG's Federal Transportation Improvement Program (FTIP) were developed through a process in accord with the provisions of 23 U.S.C. 134 and Chapter 53 of 49 U.S.C. Based on our review of the proposed program modifications to the 2000/01-2002/03 FSTIP, we are approving FSTIP programming for a limited number of projects and project phases describe below which are exempt from the requirements to determine conformity. FHWA is providing this approval in accordance with the procedures outlined in the joint FHWA/FTA Memorandum of Understanding on single mode TIP amendments dated March 8, 1996. Our planning and conformity findings have been coordinated with the regional offices of the Environmental Protection Agency and Federal Transit Administration.

This letter constitutes approval for the inclusion of the following program modifications into California's 2000/01 – 2002/03 FSTIP:

1. The addition of a new project listing to the triennial element of the 2000/01-2002/03 FTIP/FSTIP for the Arch Road/Sperry Road Connector Widening project including the programming of approximately \$2 million of FHWA NCPD/CBI program funds for preliminary engineering to assess social, economic, and environmental effects of the

proposed action or alternatives to that action. Although the findings of our review indicate that the implementation of this project was considered as part of the conformity analysis for those financially constrained projects included in the action element of the SJCOG 2001 Regional Transportation Plan (RTP), Destination 2025, we are unable to approve the inclusion of the construction phase of the project into California's 2000/01-2002/03 FSTIP pending submission of the appropriate documentation in support of the air quality conformity determination that is required pursuant to 40 CFR 93.104(c)(2). We accept the proposed program listing for the preliminary engineering phase of the project to assess social, economic, and environmental effects of the proposed action or alternatives to that action with the condition that the federal fund source information provided in the CTIPS database for the preliminary engineering phase be revised to identify the actual source of Federal funds available for the project in lieu of the TEA-21 Demonstration funding source indicated. The source of Federal funds allocated for this project is the National Corridor Planning and Development/Coordinated Border Infrastructure (NCPD/CBI) program. The actual amount of NCPD/CBI program funds allocated by FHWA for this project in FY 2002 was \$1,942,000.

2. The addition of a new project listing to the FTIP/FSTIP for the Miracle Mile (Pacific Avenue) rehabilitation project in Stockton including the programming of \$1 million of FHWA Transportation and Community and System Preservation (TCSP) program funds for preliminary engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action. Pursuant to the provisions of 40 CFR § 93.126 of the conformity regulations, the improvements proposed for implementation by this project are exempt from the requirements to determine conformity. We accept the program listing proposed for this project with the condition that the federal fund source information provided in the CTIPS database be revised to identify the actual source of Federal funds available for the project in lieu of the TEA-21 Demonstration funding source indicated. The source of Federal funds allocated for this project is the Transportation and Community and System Preservation (TCSP) program.
3. The addition of a new project listing to the FTIP/FSTIP for the replacement of the Navy Drive Bridge over the San Joaquin River to Rough and Ready Island including the programming of \$4.3728 million of FHWA HBRR program funds for the preliminary engineering and construction phases of the project. We accept the proposed program listing for the preliminary engineering phase of the project to assess social, economic, and environmental effects of the proposed action or alternatives to that action since these activities are exempt from the requirements to determine conformity pursuant 40 CFR § 93.126. Pursuant to the provisions of 40 CFR § 93.126 of the conformity regulations, the reconstruction of bridges, with no additional travel lanes, are generally exempt from the requirements to determine conformity, however, based on the information provided, we understand that this project will increase capacity on the bridge by replacing an existing two-lane bridge with a new four-lane bridge. Accordingly, we are unable to approve the inclusion of the construction phase of the Navy Drive Bridge project into California's 2000/01-2002/03 FSTIP pending submission of the appropriate documentation in support of the air quality conformity determination that is required pursuant to 40 CFR 93.104(c)(2). Also, we remind Caltrans and SJCOG that most HBRRP funded projects

require a non-federal source of matching funds and that these non-federal funds should be listed separately in the FTIP/FSTIP listing for the project.

4. The addition of a new project listing to the FTIP/FSTIP for the Kettleman Lane Beautification project in the City of Lodi including \$163,000 of FHWA Transportation Enhancement program funds set-aside from the Surface Transportation Program (STP-TEA) funds for the construction phase of the project in program year 2002/03. Pursuant to the provisions of 40 CFR § 93.126, transportation enhancement activities that do not entail the rehabilitation and operation of historic transportation infrastructure are exempt from the requirements to determine conformity. We remind Caltrans and SJCOG that STP-TEA funded projects require a non-federal source of matching funds and that non-federal matching funds should be listed separately from the STP-TEA funds in the FTIP/FSTIP listing for the project. Although non-federal matching funds must be segregated from the Federal funds in the FTIP/FSTIP project listing, the non-federal matching funds shall be listed in the FTIP/FSTIP for the same phase (i.e., PE, ROW, CON) and in the same year as the programmed Federal funds requiring a state or local match.

5. The addition or modification of 45 project listing proposed for inclusion in the 2000/01-2002/03 FTIP/FSTIP and/or the 2002/03-2004/05 FTIP/FSTIP. The new and/or modified FTIP/FSTIP project listings for these projects have been proposed based on the outcome of the 2002 California STIP development processes. Based on our review of the California STIP project listings provided with Amendment No. 17, and subsequent discussions between FHWA, Caltrans and SJCOG staff concerning those 2000/01-2002/03 FTIP/FSTIP modifications necessary to allow required project approvals to proceed prior to the adoption of the 2002/03-2004/05 FTIP/FSTIP, we are approving one new project listing for the 2000/01-2002/03 FSTIP. We are approving a new project listing for the preliminary engineering phase of the SR-12 widening project (postmile 15.2 to postmile 17.5) in the City of Lodi. This approval is limited to those activities in the preliminary engineering phase for the project necessary to assess the social, economic, and environmental effects of the proposed action or alternatives to that action. We are unable to approve the inclusion of the right-of-way or construction phases of this highway widening project as proposed in Amendment No. 17 pending the submission of the appropriate documentation in support of an air quality conformity determination that is required pursuant to 40 CFR 93.104(c)(2). We are withholding FSTIP programming approval for the remaining 2002 STIP projects and project phases with the understanding that these project listing additions and modifications will be incorporated into the triennial element of the 2002/03-2004/05 FTIP/FSTIP.

Based on our review of the information provided we offer the following comments concerning the tie replacement project approved by the SJCOG Board as part of Amendment No. 16:

By Resolution R-02-39, adopted on May 23, 2002, the SJCOG Board approved Amendment No. 16 to the SJCOG FTIP, including, among other projects, a proposed rail tie replacement project along the Union Pacific Railroad. However, subsequent to the Board action it was determined that the tie replacement project was ineligible for the FTA

section 5309 funds identified in the FTIP for project implementation. Once the SJCOG staff became aware of the FTA concerns regarding the eligibility of section 5309 funds for the tie replacement project, they requested that Caltrans excluded the project listing for the tie replacement project from the FSTIP/FTIP programming approval request for Amendment No. 16.

We remind Caltrans and SJCOG staff that pursuant to the provisions of 23 CFR §§ 450.328 and 450.216, "...after approval by the MPO and the Governor, the TIP shall be included without modification, directly or by reference, in the STIP program required under 23 U.S.C. 135..." Accordingly, unless the MPO Board has adopted procedures permitting the MPO staff to modify a FTIP project listing administratively subsequent to the Board's approval action, the FTIP and/or each amendment to the FTIP adopted by the MPO Governing Board should be submitted, without modification, to the State for approval and FSTIP inclusion. Prior to adopting or approving an FTIP or FSTIP Amendment, we recommend that SJCOG and Caltrans carefully review the project listings to ensure the programmed activities are eligible for the funding proposed and that all of the project listing information required by 23 CFR §§ 450.324 and 450.218 is included in the FTIP documentation. Modifications to FSTIP program listing, including additions and deletions of projects or phases of projects from the FSTIP triennial element requires that the MPO Board approve the same changes to the federally required FTIP for the metropolitan region.

Sincerely,



For
Michael G. Ritchie
Division Administrator

cc:

EPA Region IX, Karina O'Connor

FTA Region IX, Jerome Wiggins

SJCOG FTIP Binder

SJCOG

Caltrans:

Federal Resources Branch, Dick Petrie

HQ Transportation Programming, Kris Balaji

Office of Local Programs, Terry Abbott